

FW: Comments on Draft WWT Report/Value of Rights

mortwater [mortwater@earthlink.net]

Sent: Thursday, November 08, 2012 2:01 PM

To: Klug, Jacque (ECY); Barwin, Robert F. (ECY)

Cc: Steve Harmon [sharmon@primewest.com]; Jim Hanson [jchanson@wavecable.com]

Hello Jacque,

Thank you for providing us a draft of the WWT Draft Beneficial Use Assessment. My comments, per consultation with Steve Harmon, are provided further below in this memo for your consideration. My related, if not primary interest, however, in providing you this memo, relates to the priority interest of the BLWA to resolve the issue of value/price of their water rights. Because of that priority interest, and the fact that Ecology is likely to dictate the quantities it feels are legally defensible to change in the Trust process, BLWA has a strong desire to tackle as soon as possible, issues relating to the financial needs and expectations of the BLWA. Pursuant to this interest, we want you to be aware that whether the quantities Ecology believes are subject to change are 34 afy, 42 afy or greater, the value of the water rights to the BLWA are already largely fixed per the specific costs and liabilities that: (1) the BLWA will incur by transitioning to Skagit PUD water; and (2) has incurred by engaging in the proposed Trust transaction. Such costs and liabilities include Skagit PUD connection charges, Attorney Fees, Well Decomm, and Storage Tank Decomm. In light of this perspective, BLWA does not see a particular need to meet with WWT and DOE to review the quantification. We would, however, like to meet with you as previously planned to discuss the Westwater appraisal and to determine if it correlates with the financial needs/expectations of BLWA. To that end, we would appreciate it if you could confirm the production date of the Westwater Appraisal, its availability for our review, and the earliest possible date when we could meet with DOE officials to discuss the core issues of price and contract. For purposes of that meeting, we do not necessarily perceive a need for Westwater officials to be in attendance.

In closing on the above discussion, please be advised that it remains the desire of the BLWA to determine if an agreement can or cannot be accomplished by the end of 2012.

Comments on WWT Draft Quantification Report**Section 2.1. Water Rights**

We do not agree with the written characterization that Tom Mortimer stated the surface water right has "problems" and would seek its revision. If Tom Mortimer indicated anything in this regard, it was that there were "issues" involved with this water right that have not been fully examined. Consequently, we made clear that it was not being proposed by Big Lake as being a candidate for the trust donation at this time. We also indicated that resolution of the surface right's status was a secondary action/transaction to the assessment of the certificated groundwater rights and related trust acquisition.

Big Lake is not prepared to stipulate to a "demand" by DOE, as recommended by WWT, that BLWA should voluntarily relinquish the surface water right. Nor is BLWA prepared to agree that the surface water right does not have value, or that it has been relinquished. If DOE wants the surface water right, which is arguably a municipal right, it must be prepared to make a financial offer for it. Bottom line, we do not agree that DOE has any legal right to demand the surface water right's relinquishment as a condition of the proposed trust acquisition agreement.

Section 4.1.2 – Non-Farm Outdoor Irrigation

Beyond aerial photos, the WWT report provides no information that explains the discrepancy between the 28 afy calculated as used for non-farm, residential irrigation, and the 12.94 acres represented in the report. Steve Harmon engaged in a detailed lot by lot square footage review and ground survey of all lots and does not agree WWT's acreage quantification is accurate.

BLWA does not concur with WWT legal and factual conclusion that non-farm outdoor irrigation use for lawns, a non-commercial, non-crop based domestic/municipal beneficial use are clearly subject to PRO 1210 or Guid 1210 ACQ-based calculations and equations for pasture/turf. Guid-1210 was clearly not developed to apply to domestic lawn irrigation but to irrigated crop land. This policy expressly refers to IRRIGATION WATER RIGHTS, ADDITIONAL ACRES – FOR CROPS, RETURN FLOW, AND OTHER FACTORS CLEARLY AND DIRECTLY RELATED TO CROP IRRIGATION. While GUID 1210 may refer to "trust water applications, it clearly does so in the context i.e., (Application) of "new water rights for irrigation purpose of use", or "existing irrigation rights", consequently its application in the case of the BLWA rights is not necessarily accurate or appropriate. BLWA does acknowledge, however, that sprinkler efficiency may be an appropriate factor to consider.

Section 5.2 – Indoor Use

BLWA does not agree with WWT's indoor domestic use calculation. The fact that the Dungeness rule uses 150 gpd as a debit figure for the Dungeness Water Exchange is irrelevant to the actual quantities of water historically perfected by the BLWA households – which involves calculations/assumptions supported by the Hoffman declaration and AWWA documentation. While DOE may want to allocate BLWA water based on a 150 gpd figure, which is a quantity we are assuming in our own valuation of future - new ERU use/allocation in the basin by DOE, we dispute the statement that it "is reasonable" to apply the 150 gpd figure to BLWA homes that were subject to no such limitations, averaged over 2000 square feet, and paid less than \$25 a month for water irrespective of quantities used. BLWA stands by its calculation and is not persuaded by WWT's analysis. We would recommend that DOE/WWT revisit their assumptions and calculations on this matter.

Section 6 – Conclusion

We do not understand the comment that suggests that outdoor domestic irrigation use is transferable only on a seasonal basis. The quantities perfected for all domestic uses had no seasonal conditions attached. Is WWT suggesting that this is a change in pattern of use that needs to be examined in an impairment analysis, or simply that the domestic irrigation use is not transferable for future annual use? That latter position would be a concern.

In closing, we appreciate the work that was performed but as noted above, have some significant differences with the analysis that must be addressed if negotiations are to succeed. We look forward to receipt of the Westwater Appraisal.

Best regards,

Tom Mortimer
Attorney at Law

Law Office of Thomas D. Mortimer

206-447-9036

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Thank You.

mortwater

From: mortwater [mortwater@earthlink.net]
Sent: Friday, September 21, 2012 3:13 PM
To: 'Erik Borgen'
Cc: 'Barwin, Robert F. (ECY)'; 'Klug, Jacque (ECY)'
Subject: FW: Big Lake Water Association System Information
Attachments: Big Lake sewer dist sales.pdf; Big Lake membership.pdf; BLWA MAP Markup.pdf

Hello Eric,

Steve Harmon is out of town briefly and asked me to assist in the transmission of the information attached and discussed below.

Please find attached a list of the Big Lake Water Association (BLWA) membership recorded in 2002. As you will note, the first (handwritten) page cites the names of 55 BLWA members known to exist in 2002. Please be advised that this figure does not include 10-12 former BLWA members and their historically BLWA-served properties that exist on the northwest frontage of Big Lake, opposite the main BLWA residential corridor that you toured. (Please see attached marked-up map). These 10-12 former members are believed to have left the Big Lake System in the 1990's for Skagit PUD. Consequently, Steve and I believe the actual peak membership of the BLWA was probably around 65. We have sought, but cannot access a prior dated membership roll.

You will note there are numbers next to each customer's name on the first page of the (handwritten) list of membership names. These numbers reference the specific number of residential connections/hook-ups that each customer has (or had) to their property from the BLWA system to their property (within the Big Lake Community). For example, you will note Steve Harmon has four (4) connections. This is due to the fact that Steve has four (4) residential structures/homes on his property/lots owned – with each home having its own water service connection to the Big Lake water System. If you add up all the (connection) numbers, you will find they total 70 –representing 70 homes/residences served by the BLWA system (in 2002). Taking into account the properties falling within the NW Lake frontage area discussed above, we believe that at the peak of BLWA membership, the total number of connections to the BLWA system was approximately 80, if not greater. In this regard, the addition of at least 10 more connections (using our domestic/irrigation use assumptions) would account for an additional Qa of 3 afy (or more) – a quantity that merits addition to our prior quantification of 52.61 afy.

Please also find attached water use data provided by Skagit County Sewer District #2 re: its annual water purchases from Skagit PUD from 2004-2011. 2004 was the year that the Sewer District shifted its water demand to the PUD. As you will see, the peak year for usage by the PUD from 2004-2011 was 2009 when it purchased 2600 cubic feet (CCF) of water or 19,448 gallons (.05 afy). The usage number next to each two month billing period refers to how many units of 100 ccf were purchased. Thus if the Mar-April period shows 5, that number means (according to District officials) that the District consumed 5 x 100 ccf. We believe the PUD/District records provided are representative of the volumes that the BLWA sold to the District prior to its switch to the PUD. We are reliant on the PUD records as a point of reference due to our difficulty in accessing BLWA sales records prior to 2004.

We hope this information is helpful to your effort. If you have questions, please do not hesitate to contact Steve or myself.

Best regards,

Tom Mortimer
Attorney at Law

Smith, Buck (ECY)

From: Steve Harmon [steveharmon59@gmail.com]
Sent: Wednesday, January 09, 2013 4:19 PM
To: Smith, Buck (ECY); 'Steve Harmon'; mortwater@earthlink.net
Cc: Bill Vervaart
Subject: Re: Big Lake Beneficial Use Memo

Hi Buck,

Yes...I have confirmed that Bill V. (our operator) will be available to meet with you next Thursday (1/17) at 2:00p.m. to give you access to the system.

Lets meet at the Big Lake Grocery Store at 2:00.

Do you have a cell phone # for me in case I need to call you?

Thanks,
Steve Harmon
(360)840-0078

----- Original Message -----

From: Smith, Buck (ECY)
To: Steve Harmon ; 'Steve Harmon' ; mortwater@earthlink.net
Cc: Bill Vervaart
Sent: Monday, January 07, 2013 3:52 PM
Subject: RE: Big Lake Beneficial Use Memo

Mainly your wells, well houses, & meters.

From: Steve Harmon [mailto:steveharmon59@gmail.com]
Sent: Monday, January 07, 2013 3:36 PM
To: 'Steve Harmon'; mortwater@earthlink.net; Smith, Buck (ECY)
Cc: Bill Vervaart
Subject: Re: Big Lake Beneficial Use Memo

Hi Buck,

Thanks for your email. I believe Thursday (1/17) at 2:00 p.m. will work. What all are you needing access to? I have copied Bill Vervaart our B.L.W.A. operator on this reply to see if he is available to meet also.

Steve Harmon

----- Original Message -----

From: Smith, Buck (ECY)
To: mortwater@earthlink.net ; 'Steve Harmon'
Sent: Monday, January 07, 2013 3:09 PM
Subject: FW: Big Lake Beneficial Use Memo

Hi Steve & Tom:

I would like to do a site visit of the Big Lake system. My main goals are to:

- Understand how the system works
- Use our GPS unit to get an accurate location of each point of withdrawal
- Measure static water levels in the wells (if they have access ports)

- Tour the service area

I would like to do the site visit on January 17th at 2:00 PM. Will that work? If so, where should we meet?

Buck



Buck Smith, LG, LHG | Senior Hydrogeologist | Water Resources Program | Washington State Department of Ecology | Northwest Regional Office | 425-649-7147 | Buck.Smith@ecy.wa.gov

"Water is the most critical resource issue of our lifetime and our children's lifetime. The health of our waters is the principal measure of how we live on the land." - Luna Leopold

From: Klug, Jacque (ECY)
Sent: Friday, January 04, 2013 3:59 PM
To: mortwater@earthlink.net
Cc: 'Steve Harmon'; Bellon, Maia (ECY); Reichman, Alan (ATG)
Subject: RE: Big Lake Beneficial Use Memo

Hi Tom,

I wanted to let you know that I received your questions and that Alan Reichman will be advising us on the water right issues relating to this project. In terms of the WWT report, we will make our own conclusions on the amount of water eligible to be transferred into the Trust program and the final quantities listed in our ROE may differ from the WWT report. Buck Smith will be working on the ROE and will be following up with Steve and you to schedule the field visit this month. We will be talking with Alan on the issues that relate to municipal water use and will take into consideration the issues you raise about household size as we draft the ROE. We will share a draft ROE with you and give you opportunity to comment on our findings, just like any change decision.

I heard from WestWater that they are wrapping up the appraisal, getting some final comment from WWT. I will let you know when we receive it. Again, we all (Ecology, Big Lake, WWT) will have opportunity to provide comment to WestWater before they issue the final report. In terms of your question about the valuation and offer, I don't really know how the process works as our office has not been involved in purchasing any water rights. However, I can tell you that we are committed to negotiating in a fair and transparent manner and we very much want to move this forward quickly. I can appreciate the water system's concern about the schedule and the need to update their membership. Let's plan on touching base on schedule after we receive the draft appraisal.

-Jacque

From: [mortwater \[mailto:mortwater@earthlink.net\]](mailto:mortwater@earthlink.net)
Sent: Thursday, January 03, 2013 10:51 AM
To: Klug, Jacque (ECY)
Cc: 'Steve Harmon'; Bellon, Maia (ECY)
Subject: FW: Big Lake Beneficial Use Memo

Hello Jacque,

Thank you for the final WWT memo on the Big Lake water rights. We have no specific question on the draft, but would reiterate the prior comment whether it is appropriate under law to reduce muni outdoor irrigation perfection per a return flow calculation. We would also note that the historic family size calculations made by Mr. Hoffman under a sworn statement, were based on personal knowledge of larger family sizes that existed during period of highest use.

WWT's comments that appear to challenge Mr. Hoffman's veracity and assume accuracy of PUD household estimates (under later changed conditions) are disappointing.

Big Lake does have some fairly substantive questions beyond the document above:

- What is the Qa figure that DOE is using in its draft Report of Examination?
- When will it receive the Westwater Valuation Analysis?
- When will DOE make an offer to Big Lake, and will it be limited to the calculations contained in the Westwater Analysis?

Steve Harmon has advised me that Big Lake has an annual Board Meeting scheduled for 1/15/13. Based on DOE discussions of last year, Steve and the Board had a general expectation that by early January 2013, they would have a sense of whether a transaction with Ecology could be achieved. Thus, timely response to the above questions would be appreciated so the Board can properly evaluate the situation at their meeting.

Thank you.

Tom Mortimer
Attorney at Law

Law Office of Thomas D. Mortimer
206-447-9036

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From: Klug, Jacque (ECY) [<mailto:JKLU461@ECY.WA.GOV>]
Sent: Wednesday, January 02, 2013 4:23 PM
To: mortwater@earthlink.net
Subject: FW: Big Lake Beneficial Use Memo

Tom,

Here is the final memo on historic water use for the Big Lake Water Association prepared by Washington Water Trust. Let me know if you have any questions.

-Jacque

From: Erik Borgen [<mailto:Erik@washingtonwatertrust.org>]
Sent: Wednesday, December 26, 2012 11:25 AM
To: Klug, Jacque (ECY)
Subject: RE: Big Lake Beneficial Use Memo

Hi Jacque,
Attached is the memo. Hope you are having a nice holiday.
Thanks,
Erik

From: Klug, Jacque (ECY) [<mailto:JKLU461@ECY.WA.GOV>]
Sent: Thursday, December 20, 2012 4:44 PM
To: Erik Borgen
Subject: RE: Big Lake Beneficial Use Memo

No problem, thanks.

From: Erik Borgen [<mailto:Erik@washingtonwatertrust.org>]

Sent: Thursday, December 20, 2012 4:42 PM

To: Klug, Jacque (ECY)

Subject: RE: Big Lake Beneficial Use Memo

Jacque,

I am asking Susan to give it a once over, so I probably won't get the final draft to you until tomorrow.

Thanks,

Erik

Erik Borgen

Project Manager

Washington Water Trust

1530 Westlake Ave N. Suite 400

Seattle, WA 98109

p 206.675.1585 x103

c 206.755.9146

f 206.749.9274

www.washingtonwatertrust.org

From: Klug, Jacque (ECY) [<mailto:JKLU461@ECY.WA.GOV>]

Sent: Thursday, December 20, 2012 3:32 PM

To: Erik Borgen

Subject: Big Lake Beneficial Use Memo

Hi Erik,

I just wanted to check in with you on your timeframe for finishing the Big Lake beneficial use report. We are trying to plan out our water right processing for the near term and wanted to see where we are at with the schedule. I spoke with Harry this afternoon and it sounds like they are on pace to submit a draft to us next week. We spoke for about 20 minutes this afternoon answering some questions on potential use from the mitigation water.

Happy Holidays! I hope you take some time off to celebrate with family and friends.

-Jacque

Jacqueline Klug | Section Manager, Water Resources Program | Department of Ecology Northwest Regional Office | 425-649-7270
| jacque.klug@ecy.wa.gov



Please consider the environment before printing this e-mail

Notes from Big Lake Water Association Site Visit 1/17/2013

Pictures from the visit are on at N:\WR\NWRO_GIS\Skagit\Skagit Pictures\1-17-2013

However, I was having issues getting the camera to focus in low light.

Spoke with Steve and Bill, Bill is the manager of the Wells. Bill has been the manager for about 8 years. Steve provided us with an aerial photo of the site, with the wells marked.

According to Steve, this property was previously used by a lumber company.

John Rose asked for a current list of parcels from Steve. According to Steve, there are about 4 or 5 houses that have switched to PUD water since Steve has last updated the list, about 9 months ago. -

There are plans by the fire dept to build a new fire house on a property up the street that was previously irrigated using water from this system. Steve pointed this property out to us during the site visit.

Wells 1, 2, and 5 are on the eastern side of the property, with wells 1 and 2 housed next to the pumphouse. Well 5 is within a shed about 65ft west from Lakeview Blvd.

Wells 3 and 4 are on the western side of the property, each in separate housing.

We first visited the pumphouse, with an address of 16902 Lakeview Blvd, Mt Vernon, WA.

Within the pumphouse is a 22000 gal storage reservoir, where lines from wells 1, 3, 4, and 5 fill it, and some chlorination takes place. If needed, there is also a line from Skagit PUD can provide water to the reservoir. This PUD line is considered a "back-up".

There is also a tank which this reservoir feeds, sometimes with booster pumps. There is a chlorinator here which also feeds into this tank. This tank outflows to the main line, which serves customers.

I noticed that most of the breakers were Square D, very corroded. These are common breakers, but they look like they're in need of repair. Probably not relevant, I just notice breakers.

Next to the pumphouse is a covered attached structure containing wells 1 and 2.

Well 1: Well 1 may be a dug well with a 36" casing, or an 8" drilled well that has a 36" protective concrete cylinder around it. There was a sticker on the QD control box from Dahlman Pump and Well Drilling. The static water level was measured at 14.4 ft. Pictures were taken.

Well 2: Well 2 is a detached well. Bill did not know why the well had been detached, it had happened before his work with BLWA. The electrical wires to the pump have been cut. The casing is 8", drilled. The static water level was measured at 15.6 ft. Pictures were taken.

Wells 3 and 4 are on the west side of the property. We accessed these wells by parking on W Big Lake BLVD, on the west side of the property, and heading down the slope. It seems housing was built and installed by Bill for these wells, some time after they were constructed.

Well 3: Well 3 is an artesian and flowing well with 8" casing, drilled. We could hear the flowing sound of water within the well. A well tag could not be found. Pictures were taken.

Well 4: Well 4 is an artesian and flowing well with 6" casing, drilled, with a well tag number of AER336. Water could also be heard within this well. Pictures were taken.

Well 5 is on the eastern side of the property, about 65 feet west from Lakeview Blvd. It is within a shed.

Well 5: The well is artesian and flowing **after** the pump has been shut off for some time. This well could not be opened because the Department of Health required that the assembly be closed off in order to prevent animals and contaminants from intruding. Previously, the flow would fill up the surrounding concrete cylinder up to the level of the well outlet, creating a potential entrance for contaminants.

A pump has been added to augment the flow. The casing appears to be 8" inside of a 36" diameter concrete cylinder. It could be possible that this was a dug well that was backfilled, and this cylinder could be casing. Pictures were taken.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

- ☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☒ Ground Water (Issued in accordance with the provisions of Chapter 203, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE January 13, 1975	APPLICATION NUMBER G1-22388	PERMIT NUMBER G1-22388P	CERTIFICATE NUMBER G1-22388C
-----------------------------------	--------------------------------	----------------------------	---------------------------------

NAME BIG LAKE WATER COMPANY	c/o Jim Hayton, President		
ADDRESS (STREET) 1712A Lakeview Blvd	CITY Mount Vernon	STATE Washington	ZIP CODE 98273

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown.

PUBLIC WATER TO BE APPROPRIATED

SOURCE
Two wells

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 14	MAXIMUM ACRE-FOOT PER YEAR 23.0
-------------------------------	----------------------------------	------------------------------------

QUANTITY, TYPE OF USE, PERIOD OF USE
Community Domestic Supply, continuously.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL
500 feet north and 890 feet west of the S₄ corner of Section 25.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SE 34 34 34	SECTION 25	TOWNSHIP N. 34	RANGE, E. OR W. & N. & S. 4 E	W. & S. & N. & S. 3	COUNTY Skagit
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RECORDED PLATTED PROPERTY

LOT #64	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION) Plat 1, Lakeview Tracts, Big Lake, Skagit County
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Area served by Big Lake Water Company.

FINDING REVIEW ROUTER

PRELIMINARY REVIEW

Author Tom 9/2
date

Dist. Sup. Tom 9/25
date

Author Tom 9/25
date

FINAL REVIEW (Typed & M)

Dist. Sup. lit

Mailed mm 11-10-80
date

**STATE OF
WASHINGTON
DEPARTMENT OF
ECOLOGY**

**NOTICE OF APPLICATIONS
TO CHANGE EXISTING
WATER RIGHTS**

TAKE NOTICE:

That Big Lake Water Association of Mount Vernon, Washington on October 9, 2012, filed applications of change to place the following three ground water certificates into the State of Washington Water Right Trust Program. The authorized points of withdrawal for all three certificates are within the SE ¼ SW ¼ of Section 25, Township 34 North, Range 4 East, in Skagit County. All have a priority date of January 13, 1975. All have a place of use of the Area served by Big Lake Water Company. All are currently for municipal supply purposes.

1. Ground Water Certificate G1-22387C for 13 gallons per minute (gpm), 21 acre-feet per year (afy), from well 1.
2. Ground Water Certificate G1-22388C for 14 gpm, 23 afy, from well 3.
3. Ground Water Certificate G1-22389C for 16 gpm, 26 afy, from wells 4 & 5.

The subject request is to change the purpose of use of each certificate to serve as a source for Nookachamps Sub-basin Mitigation Exchange: Instream Flow Augmentation and/or Aquifer Preservation.

No increases will be made to the instantaneous withdrawal rates or annual quantities.

Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied with a fifty-dollar (\$50.00) NON-REFUNDABLE recording fee (PLEASE REMIT CHECK OR MONEY OR-

DER ONLY) and filed with the Department of Ecology at the address shown below, within thirty (30) days from October 26, 2012.

DEPARTMENT OF ECOLOGY
CASHIERING OFFICE -
NWRO-WR
PO BOX 47611
OLYMPIA, WA 98504-7611

**Published
October 19 & 26, 2012
SVH-772385**

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MAR 06 2013

**DEPT OF ECOLOGY
NWRO - WR**



1215 Anderson Road • P.O. Box 578 • Mount Vernon • WA • 98273 • t: 360.424.3251 • f: 360.424.5300

Heather Hernandez, Publisher

Affidavit of Publication in the matter of SVH-772385

*In the Superior Court of the State of
Washington In and For Skagit County*

STATE OF WASHINGTON
County of Skagit ss

The undersigned, being first duly sworn on oath deposes that he/she is principal clerk of the Skagit Valley Herald, a daily newspaper. That said newspaper has been approved as a legal newspaper by the Superior Court of Skagit County and is now and has been for more than six months prior to the publication hereinafter referred to, published in the English language continually as a daily newspaper in Skagit County, Washington, and it is now and during all of said time was printed at an office maintained at the aforesaid place of publication of said newspaper.

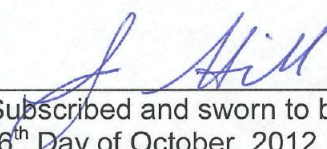
That the annexed is a true copy of an advertisement, with publication dates, as it was published in regular issues (and not in supplemental form) of said newspaper commencing with the issue of October 19, 2012 and ending with the issue of October 26, 2012.

That such newspaper was regularly distributed to its subscribers during all of said period and the full amount of the fee charged for the foregoing is the sum of \$330.00.

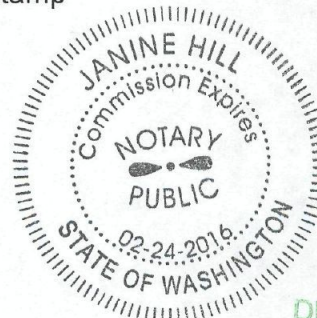


clerk

Date: October 26, 2012



Subscribed and sworn to before me this
26th Day of October, 2012
Notary Public and for the State of Washington
Clerk's filing stamp



RECEIVED

MAR 06 2013

DEPT OF ECOLOGY
NWRO - WR

Melody Howard

Subject: FW: Notice of Applications to Change existing water rights



WSD of Ecology.pdf

-----Original Message-----

From: Melody Howard [mailto:melody@primewest.com]
Sent: Tuesday, October 16, 2012 11:47 AM
To: classified@skagitpublishing.com
Cc: Steve Harmon
Subject: Notice of Applications to Change existing water rights

Jeanette, 360-424,4567

Thank you for your assistance.

Please find attached the document we discussed to be published in the Skagit Valley Herald to be run once a week for two consecutive weeks. Also, our instructions include that we draw to the publisher's attention that the actual date of the second publication must appear in the space in the notice over the caption "last date of publication."

Contact Person: For proof approval, please email Steve Harmon at sharmon@primewest.com.

Steve Harmon
360-840-0078
P.O. Box 2609
Mount Vernon, Wa. 98273

If you have any questions, please feel free to contact me, Melody at 360-424-5783 or Steve Harmon, 360-840-0078.

Thank you again.

Melody Howard
Administrative Assistant
Prime West, Inc.
360-424-5783
melody@primewest.com

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MAR 06 2013

DEPT OF ECOLOGY
NWRO - WR



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATIONS TO CHANGE EXISTING WATER RIGHTS

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No increases will be made to the instantaneous withdrawal rates or annual quantities.

Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied with a fifty-dollar (\$50.00) NON-REFUNDABLE recording fee (PLEASE REMIT CHECK OR MONEY ORDER ONLY) and filed with the Department of Ecology at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

DEPARTMENT OF ECOLOGY
CASHIERING OFFICE - NWRO-WR
PO BOX 47611
OLYMPIA WA 98504-7611

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Island County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Whidbey News Times, South Whidbey Record	Sally Smith or Connie Ross	107 S. Main St Suite E101 Coupeville, WA 98239	PO Box 1200 Coupeville, WA 98239	360-675-6611	360-679-2695	legal@whidbeynewstimes.com publishes in both papers
Whidbey Examiner	Kasia Pierzga or Joan Soltys	6 NW, Coveland St Coupeville, WA 98239	PO Box 445 Coupeville, WA 98239	360-678-8060	360-678-6073	graphics@whidbeyexaminer.com
Stanwood/Camano News	Sharon Bartlett	9005 271st St. NW, Stanwood, WA 98282	PO Box 999, Stanwood, WA 98282	360-629-8066 ext. 109	360-629-4211	circulation@scnews.com or phonebook@scnews.com

Whatcom County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Bellingham Herald	Jill Cratsenberg	1155 N. State Street, Suite 1, Bellingham, WA 98227	PO Box 1277, Bellingham, WA 98227	360-756-2829	360-715-2225	legals@bellinghamherald.com
Lynden Tribune	Legal Notices Dept.	113 6th Street, Lynden, WA 98264	PO Box 153, Lynden, WA 98264	360-354-4444	360-354-4445	office@lyndentribune.com
Ferndale Record	Legal Notices Dept.	2004 Main Street, Ferndale, WA 98248	PO Box 34, Ferndale, WA 98248	360-384-1411	360-384-1417	news@ferndalerecordjournal.com

Skagit County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Anacortes American, Argus, Courier-Time, Skagit Valley Herald	Legal Notices Dept.	1000 E. College Way, Mt. Vernon, WA 98273	PO Box 578, Mt. Vernon, WA 98273	360-424-4567	360-424-5300	classifieds@skagitpublishing.com
LaConner News (formerly Channel Town Press)	Cindy Vest	313 Morris St. Suite B LaConner, WA	PO Box 1465, LaConner, WA 98257	360-466-3315	360-466-1195	Specify which paper to publish in. ctp3@verizon.net

San Juan County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Islands' Sounder	Kathy Everett	North Beach Rd, Eastsound, WA 98245	PO Box 758, Eastsound, WA 98245	360-376-4500	360-376-4501	keverett@islandssounder.com
Journal of the San Juans	Frances Bacon	640 Mullis Street, Friday Harbor WA 98250	PO Box 519, Friday Harbor WA 98250	360-378-5696	360-378-4103	fbacon@sanjuanjournal.com

***Note - Most publishers prefer e-mail**

Y:\regional newspapers north counties (updated Sept. 2008)

Melody Howard

Subject: FW: Notice of Big Lake Trust Applications to Skagit Valley Herold

-----Original Message-----

From: Steve Harmon [mailto:sharmon@primewest.com]

Sent: Tuesday, October 16, 2012 8:51 AM

To: Melody Howard

Subject: Notice of Big Lake Trust Applications to Skagit Valley Herold

Hi Mel,

Per the following and attached, can you please Skagit Valley Herald to publish the attached notice for the B.L.W.A.? The billing for the notice can be sent to:
Big Lake Water Association
P.O. Box 2246
Mount Vernon, WA 98273

Note: When the publication period is completed, we need to get the affidavit of publication from the newspaper. I will then send that affidavit to the B.L.W.A. attorney and DOE.

Thanks,
Steve H.

----- Original Message -----

From: Thomas Mortimer

To: 'Steve Harmon'

Cc: 'Jim Hanson'

Sent: Tuesday, October 16, 2012 8:22 AM

Subject: FW: Big Lake Trust Applications

Steve,

Please find final notice of publication attached and newspaper list. I have reviewed it and it is fine. I assume the Skagit Valley Herald will suffice. Instructions for publication are provided in email below. Please proceed as soon as you can. The Notice is being provided by DOE to tribes and other basin stakeholders.

Please call if you have any questions.

Tom M

From: Klug, Jacque (ECY) [mailto:JKLU461@ECY.WA.GOV]

Sent: Monday, October 15, 2012 10:03 AM

To: mortwater@earthlink.net

Subject: FW: Big Lake Trust Applications

Tom,

Attached is the public notice. I will copy you on the email notice we send out to various interested parties. Let me know if you have any questions.

-Jacque

October 15, 2012

10/16/2012

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NWRO - WR

VIA Email: mortwater@earthlink.net

Re: Ground Water Application for Change Certificates Nos. CG1-22387C, CG1-23388C, CG1-23889C

Mr. Mortimer:

Enclosed is a notice of your application for change which must be published **once a week for two consecutive weeks** in a qualified legal newspaper of general circulation in **Skagit** County as provided in RCW 90.03.280. This newspaper should have a general circulation in the locality where the water is to be appropriated and used. A list of newspapers in the area is enclosed.

Please draw to the publisher's attention that the actual date of the **second** publication must appear in the space in the notice over the caption "last date of publication."

The applicant is responsible for the payment of the publication. To assure accuracy, **it is the responsibility of the applicant to check the notice carefully before having it published.** If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the **Original notarized affidavit** of each publication. Publication should start within thirty (30) days and the affidavit must be received in this office within sixty (60) days from the date of this letter or rejection will be initiated.

Attachments: Public Notice
Regional Newspaper List

From: Klug, Jacque (ECY)
Sent: Wednesday, October 10, 2012 10:18 AM
To: Curtis, Michele (ECY)
Subject: FW: Big Lake Trust Applications

Revised public notice for Big Lake.

From: mortwater [<mailto:mortwater@earthlink.net>]
Sent: Thursday, October 04, 2012 1:36 PM
To: Klug, Jacque (ECY)
Cc: 'Steve Harmon'
Subject: RE: Big Lake Trust Applications

Hi Jacque,

I have made a small edit to the notice per Wells 4 & 5 (vs wells 3 and 4) for GWC 22389C. BLWA has 4 wells, (original) Well 2 is apparently off-line- but Well 5 is on line. Steve is not exactly certain which wells relate to which rights, so I examined the water right documents and queried more current operational history. What is stated on the application is our best sense of how the well numbers used by BLWA correlate to the water rights.

On a related matter, can the application date in the notice be the date (10/3) I electronically provided

10/16/2012

all the applications and supporting documents, or do you really require the signed hard copy?

I suppose we need to do one more draft before we go final just to clarify the well numbers.

Please call if you need to discuss.

Best regards,

Tom M

Law Office of Thomas D. Mortimer
206-447-9036

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From: Klug, Jacque (ECY) [<mailto:JKLU461@ECY.WA.GOV>]

Sent: Thursday, October 04, 2012 9:15 AM

To: mortwater@earthlink.net

Subject: FW: Big Lake Trust Applications

Tom,

Attached is the draft public notice for the Big Lake Trust Water Right applications. Let us know if you see anything that needs to be amended. You can send the applications directly to the Northwest Regional Office as there is no fee that needs to be recorded in our Olympia office.

-Jacque

Jacqueline Klug | Section Manager, Water Resources Program | Department of Ecology Northwest Regional Office | 425-649-7270 | jacque.klug@ecy.wa.gov



Please consider the environment before printing this e-mail

From: mortwater [<mailto:mortwater@earthlink.net>]

Sent: Wednesday, October 03, 2012 1:09 PM

To: Bellon, Maia (ECY); Klug, Jacque (ECY)

Subject: RE: Big Lake Trust Applications

Maia/Jacque,

FYI.

Tom Mortimer
Attorney at Law

Law Office of Thomas D. Mortimer
206-447-9036

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From: mortwater [<mailto:mortwater@earthlink.net>]

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OCT 6 2012

DEPT OF ECOLOGY
NWRO - P

10/16/2012

Sent: Wednesday, October 03, 2012 1:06 PM
To: 'Buck.Smith@ecy.wa.gov'; 'Barwin, Robert F. (ECY)'
Cc: 'Erik Borgen'; 'Steve Harmon'; 'Jim Hanson'
Subject: Big Lake Trust Applications

Dear Buck/Bob et al:

Please find attached in PDF form, the complete and signed Big Lake Water Assn (BLWA) Trust applications with related support documentation which includes:

- Updated quantification
- BLWA Membership/Connections list (and related explanatory memo)
- BLWA Power Bills
- Skagit County Sewer District PUD Water Bills (Used for beneficial use extrapolation purposes).
- Declaration of Ken Hoffman

I realize that most of these documents may be in your possession, but we want the record to show that BLWA provided a complete single submission of all salient documents. Steve will very shortly submit the signed original applications by mail when he returns from a brief trip out of town. Hard copies of all the above attachments may be provided upon your request.

BLWA sources are not metered and they have not generated a small water system management plan to my knowledge. I have included the service area map mark-up up to show additional connections not included in the prior quantification. Sorry it is not in color.

We look forward to DOE staff producing a draft Notice of Application that we may review, and then approve for timely publication. If you have any questions, please contact me or Steve Harmon.

Best regards,

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Attorney at Law

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DEPT OF ECOLOGY
NWRO - WR

10/16/2012

Curtis, Michele (ECY)

From: Klug, Jacque (ECY)
Sent: Tuesday, October 16, 2012 1:55 PM
To: Curtis, Michele (ECY)
Subject: FW: Big Lake Trust Applications
Attachments: CG1-22387C_CG1- 23388C_CG1-23389C_Big Lake Water Association_Public Notice for Change App_10-3-12 (Buck's edits).docx; Regional Newspapers north counties.xls

From: Klug, Jacque (ECY)
Sent: Monday, October 15, 2012 10:03 AM
To: 'mortwater@earthlink.net'
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October 15, 2012

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Jacqueline Klug | Section Manager, Water Resources Program | Department of Ecology Northwest Regional Office | 425-649-7270 | jacque.klug@ecy.wa.gov



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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATIONS TO CHANGE EXISTING WATER RIGHTS

TAKE NOTICE:

That Big Lake Water Association of Mount Vernon, Washington on October 9, 2012, filed applications of change to place the following three ground water certificates into the State of Washington Water Right Trust Program. The authorized points of withdrawal for all three certificates are within the SE1/4 SW1/4 of Section 25, Township 34 North, Range 4 East, in Skagit County. All have a priority date of January 13, 1975. All have a place of use of the Area served by Big Lake Water Company. All are currently for municipal supply purposes.

1. Ground Water Certificate G1-22387C for 13 gallons per minute (gpm), 21 acre-feet per year (afy), from well 1.
2. Ground Water Certificate G1-22388C for 14 gpm, 23 afy, from well 3.
3. Ground Water Certificate G1-22389C for 16 gpm, 26 afy, from wells 4 & 5.

The subject request is to change the purpose of use of each certificate to serve as a source for Nookachamps Sub-basin Mitigation Exchange: Instream Flow Augmentation and/or Aquifer Preservation.

No increases will be made to the instantaneous withdrawal rates or annual quantities.

Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied with a fifty-dollar (\$50.00) NON-REFUNDABLE recording fee (PLEASE REMIT CHECK OR MONEY ORDER ONLY) and filed with the Department of Ecology at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

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CASHIERING OFFICE - NWRO-WR
PO BOX 47611
OLYMPIA WA 98504-7611

Island County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Whidbey News Times, South Whidbey Record	Sally Smith or Connie Ross	107 S. Main St Suite E101 Coupeville, WA 98239	PO Box 1200 Coupeville, WA 98239	360-675- 6611	360-679-2695	legal@whidbeynewstimes.com publishes in both papers
Whidbey Examiner	Kasia Pierzga or Joan Soltys	6 NW, Coveland St Coupeville, WA 98239	PO Box 445 Coupeville, WA 98239	360-678- 8060	360-678-6073	graphics@whidbeyexaminer.com
Stanwood/Camano News	Sharon Bartlett	9005 271st St. NW, Stanwood, WA 98282	PO Box 999, Stanwood, WA 98282	360-629- 8066 ext. 109	360-629-4211	circulation@scnews.com or phonebook@scnews.com

Whatcom County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Bellingham Herald	Jill Cratsenberg	1155 N. State Street, Suite 1, Bellingham, WA 98227	PO Box 1277, Bellingham, WA 98227	360-756- 2829	360-715-2225	legals@bellinghamherald.com
Lynden Tribune	Legal Notices Dept.	113 6th Street, Lynden, WA 98264	PO Box 153, Lynden, WA 98264	360-354- 4444	360-354-4445	office@lyndentribune.com
Ferndale Record	Legal Notices Dept.	2004 Main Street, Ferndale, WA 98248	PO Box 34, Ferndale, WA 98248	360-384- 1411	360-384-1417	news@ferndalerecordjournal.com

Skagit County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Anacortes American, Argus, Courier-Time, Skagit Valley Herald	Legal Notices Dept.	1000 E. College Way, Mt. Vernon, WA 98273	PO Box 578, Mt. Vernon, WA 98273	360-424- 4567	360-424-5300	classifieds@skagitpublishing.com
LaConner News (formerly Channel Town Press)	Cindy Vest	313 Morris St. Suite B LaConner, WA	PO Box 1465, LaConner, WA 98257	360-466- 3315	360-466-1195	Specify which paper to publish in. ctp3@verizon.net

San Juan County

Publication	Contact	Physical Address	Mailing Address	Phone #	Fax	E-mail
Islands' Sounder	Kathy Everett	North Beach Rd, Eastsound, WA 98245	PO Box 758, Eastsound, WA 98245	360-376- 4500	360-376-4501	keverett@islandssounder.com
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